

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT BERG,	§	
Plaintiff,	§	
vs.	§	Case No. 6:19-cv-418-JDK
	§	
M&F WESTERN PRODUCTS, INC.,	§	
Defendant.	§	

**M&F WESTERN’S OBJECTIONS AND COUNTER-DESIGNATIONS TO
DEPOSITION TESTIMONY**

M&F Western has reviewed Plaintiff’s deposition designations and provides its objections and counter-designations below to preserve rights and without waiving its arguments in its pending Motion to Strike Plaintiff’s Pretrial Disclosures (Dkt. 57) and in its opposition to Plaintiff’s Motion for Leave to File Amended Pretrial Disclosures (Dkt. 85). M&F Western intends to call the witnesses below live at trial, thus use of their depositions is limited by Fed.R.Civ.P. 32 and the Federal Rules of Evidence.¹ M&F Western notes that Plaintiff did not notice the corporate deposition of M&F Western, thus, none of its witnesses appeared as party designees.

M&F Western further objects to the use of any testimony where Plaintiff’s counsel failed to make a proper written record of which particular exhibit or design (e.g., whether a cross by Plaintiff or by M&F Western) was the subject of counsel’s question or testimony at issue. M&F Western has filed Motions in Limine to exclude certain evidence based on lack of relevance, prejudice and on other grounds. To the extent that particular testimony below pertains to topics

¹ To the extent that any of the witnesses below are unavailable at trial due to travel or health restrictions related to COVID-19, M&F Western reserves the right to designate deposition testimony to be used at trial.

addressed by the Motions in Limine, M&F Western has noted this with a reference to the particular pending Motion in Limine at issue.

A. CARY KRAFT (Deposed Nov. 5, 2020)

Kraft Testimony	M&F Western's Objections and Counter-designations for fairness and context
Kraft Tr. 18:9-19	
Kraft Tr. 19:8-10	18:25-19:8
Kraft Tr. 23:19-25	
Kraft Tr. 30:9-20	
Kraft Tr. 31:10-32:5	32:6-11
Kraft Tr. 38:12-20	
Kraft Tr. 41:15-25	42:2-15
Kraft Tr. 43:14-20	
Kraft Tr. 44:2-24	
Kraft Tr. 45:13-16	
Kraft Tr. 46:20-25	
Kraft Tr. 53:21-25	54:2-7
Kraft Tr. 54:8-15	54:2-7
Kraft Tr. 60:9-18	
Kraft Tr. 61:15-20	
Kraft Tr. 64:6-14	
Kraft Tr. 74:3-8	
Kraft Tr. 79:23-80:6	80:6-23
Kraft Tr. 91:22-92:3	401; 403; MIL # 6
Kraft Tr. 96:14-21	401; 403; MIL # 6
Kraft Tr. 113:19-114:6	401; 403; MIL # 13
Kraft Tr. 115:19-116:3	

B. PAUL EDDINS (Deposed Nov. 4, 2020)

Eddins Testimony	M&F Western's Objections and Counter-designations for fairness and context
Eddins Tr. 15:16-16:10	
Eddins Tr. 26:4-12	25:14-26:4
Eddins Tr. 28:20-29:2	
Eddins Tr. 29:11-12; 18-23	28:7-11
Eddins Tr. 30:22-31:6	401; 403; MIL # 6
Eddins Tr. 31:14-17; 21-25	401; 403; 602; MIL # 6
Eddins Tr. 32:2-5	401; 403; 602; MIL # 6
Eddins Tr. 33:4-9	401; 403; MIL # 6
Eddins Tr. 36:6-12	401; 403; MIL # 6
Eddins Tr. 38:12-16	401; 403; MIL # 6
Eddins Tr. 42:13-20	
Eddins Tr. 43:2-5	42:21-25
Eddins Tr. 44:19-45:10	
Eddins Tr. 47:11-24	
Eddins Tr. 49:7-19	49:20-23; 601
Eddins Tr. 55:14-16	
Eddins Tr. 57:9-58:11	
Eddins Tr. 61:21-62:3	62:3-8; 401; 403; MIL # 2
Eddins Tr. 62:18-23	401; 403; MIL # 2
Eddins Tr. 65:24-66:6	66:7-15; 401; 403; MIL # 2
Eddins Tr. 68:13-69:8	
Eddins Tr. 73:10-76:10	Re 76:25-77:4: counter-designation = 77:5-8; 401; 403; MIL # 2
Eddins Tr. 76:25-77:21	Re 76:25-77:4: counter-designation = 77:5-8; 401; 403; MIL # 2
Eddins Tr. 80:11-16	
Eddins Tr. 81:20-25	Record does not reflect which design is at issue; 401; 403

Eddins Testimony	M&F Western's Objections and Counter-designations for fairness and context
Eddins Tr. 82:16-83:2	Record does not reflect which design is at issue; 401; 403 Re 82:23-83:2: counter-designation = 83:3-5; 401; 403; MIL # 2
Eddins Tr. 85:25-86:19	85:14-24; 401; 403; MIL # 3
Eddins Tr. 87:25-88:5	88:22-25; 401; 403; MIL # 3
Eddins Tr. 92:12-20	
Eddins Tr. 96:7-10	
Eddins Tr. 97:17-23	
Eddins Tr. 102:21-103:11	
Eddins Tr. 105:21-106:9	401; 403; the Court has already ruled on transfer of rights effected by the Asset Purchase Agreement between M&F Western and Crumrine Manufacturing Jewelers and has granted summary judgment on the buckle claim.

C. JEAN LASHELLE (Deposed Nov. 6, 2020)

LaShelle Testimony	M&F Western's Objections and Counter-designations for fairness and context
LaShelle Tr. 27:3-28:15	28:16-18
LaShelle Tr. 33:9-34:4	601 as to 33:9-34:2
LaShelle Tr. 34:15-35:3	
LaShelle Tr. 35:10-16	
LaShelle Tr. 37:4-23	37:24-38:9
LaShelle Tr. 38:10-14	601
LaShelle Tr. 73:12-15	
LaShelle Tr. 85:7-12	
LaShelle Tr. 88:16-21	401; 403; MIL # 2

LaShelle Tr. 89:2-9	401; 403
LaShelle Tr. 106:16-18	401; 403; 107:8-14; 117:19-118:14
LaShelle Tr. 107:16-109:18	
LaShelle Tr. 115:16-116:4	401; 403; the Court has already ruled on transfer of rights effected by the Asset Purchase Agreement between M&F Western and Crumrine Manufacturing Jewelers

Dated: December 4, 2020

By: /Kirstin E. Larson/

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Certificate of Service

I hereby certify that on December 4, 2020, I served the foregoing on counsel via email.

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